

Exhibit 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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|---------------------------------------|---|---------------------------|
| A. SCHULMAN, INC., |) | |
| |) | |
| Plaintiff- Counter-Defendant, |) | Case No. 1:15-cv-1760 |
| |) | |
| vs. |) | Judge Patricia A. Gaughan |
| |) | |
| POLYONE CORPORATION, and |) | |
| POLYONE DESIGNED STRUCTURES |) | |
| & SOLUTIONS LLC, |) | |
| |) | |
| <u>Defendants-Counter-Plaintiffs.</u> |) | |

A. SCHULMAN, INC.’S L.P.R. 4.2(a) PRELIMINARY PROPOSED CONSTRUCTIONS

Pursuant to L.P.R. 4.2(a), Plaintiff, A. Schulman, Inc., hereby serves Defendants with its preliminary proposed constructions and with evidence in support of such constructions. Plaintiff reserves the right to modify these proposed constructions.

A. “random microstructure”

Preliminary Proposed Construction: A polyolefin backing layer with a “random microstructure” is a layer primarily composing one or more polyolefins that are not block copolymers, and in which the mer units(the portion of a polymer derived from a single reactant molecule) do not form blocks and, instead, are incorporated in an essentially non-repeating manner.

Supporting evidence: ’902 patent, 7:33-37; 7:31-52; 9:59-10:5 (describing example polyolefins with random microstructures); U.S. Patent No. 9,133,290, 3:6-8 (mer unit), 4:55-58 (defining random microstructure); US 2007/0293622 to Yan, ¶0014 (mer unit) ¶0025 (random microstructure); testimony of Dennis Smith (understanding of POSA of “random

microstructure”); testimony of Bryan Coughlin (expert) (“understanding of POSA of “random microstructure”).

B. “a DOI of 70 or greater” or “a DOI of 85 or greater”

Preliminary Proposed Construction: “DOI” means “distinctiveness of image, a measure of how clearly an object is reflected by a surface.” A POSA would understand, given the patent specification, that DOI is determined by measurement using any of the approved DOI measurement instruments listed in GM 4348M section 3.1.5.

Supporting Evidence: See, e.g., ‘906 patent, Abstract, 1:62-65; 4:1-9; 2:20, 2:39; 2:51, cols. 21-24 (Table 2); U.S. Pat. No. 6,509,964, col. 1, lines 20-22 (the term “distinctness of image” is also used synonymously in this patent and by others of skill in the art); GM9508P (cited in the patent specification) refers to GM4348M. Page 6 and Section 3.1.5 of GM 4348M lists instruments approved by GM for measuring DOI. *See also*, GMN10044 p. 3, Table 1; see also, U.S. Pat. No. 6,326,428, col. 1, lines 53-58 (Ex. 46), which refers to GM Method 9101-P, which utilizes a “glow box,” which is one of the approved apparatus specified in GM4348M, Section 3.1.5. (Ex. 12). Testimony of Dennis Smith (POSA would understand that DOI is to be measured according to GM standards). Testimony of expert.

C. “passes a gravelometer impact test per the GM9508P standard, with a 10 pt load at a -30° C. temperature, and at an angle of 30 degrees”

Preliminary Proposed Construction: A POSA would understand that “passes a gravelometer impact test per the GM9508P standard, with a 10 pt load at a -30° C. temperature, and at an angle of 30 degrees” would mean “has a score of 7 or greater per the scoring system of the GM9508P standard with no cracking or delamination.”

Supporting Evidence: ‘906 patent, Table 2; GM9508P; GM10044, section 3.1.5; Chinese patent 17889778A, p.8, line 14 (machine translation), p.3, last full paragraph; testimony of Dennis Smith; testimony of expert (understanding of gravelometer test by POSA).

D. “clear polyolefin layer”

Preliminary Proposed Construction: A POSA would understand that a “clear polyolefin layer has a light transmittance of 85% or greater, a haze of 10 or less.”

Supporting Evidence: ‘906 patent, 2:14-16; 2:34-36; testimony of Dennis Smith; testimony of expert Bryan Coughlin (understanding of POSA).

E. “colored polyolefin layer.”

Preliminary Proposed Construction: Plain and ordinary meaning.

Supporting Evidence: ‘906 patent specification; testimony of Dennis Smith; testimony of expert Bryan Coughlin (understanding of POSA).

Dated: September 12, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that on September 12, 2016, a copy of the foregoing was served via email on counsel of record for Defendants.

/s/ Eric C. Cohen
Eric C. Cohen (admitted pro hac vice)